

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK
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UNITED STATES OF AMERICA

07 CR 537 (WHP)

v.

DECLARATION OF
COUNSEL

DAVID CARMEL
-----X

DONALD YANNELLA, an attorney duly admitted to practice law in the United States District Court, Southern District of New York, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the foregoing is true and correct to the best of his knowledge:

1. I am counsel for the defendant, David Carmel. This declaration is based upon information and belief, the sources of which are a review of the Court file, and conversations with witnesses and the defendant.
2. Attached as Exhibit A is a copy of the complaint from the Southern District of New York.
3. Attached as Exhibit B is a copy of the indictment from the Southern District of New York.

4. Attached as Exhibit C is a copy of the federal arrest warrant for David Carmel, issued on May 21, 2007.
5. Attached as Exhibit D is a copy of a Chippewa County, State of Wisconsin search warrant for David Carmel's residence issued on May 30, 2007.
6. Attached as Exhibit E is a copy of the federal search warrant issued on May 31, 2007 in the Western District of Wisconsin for David Carmel's residence.
7. Attached as Exhibit F is a copy of a Miranda rights form signed by David Carmel and an ICE agent's synopsis of Mr. Carmel's post-arrest statement on May 30, 2007.
8. Attached as Exhibit G is an affidavit by David Carmel regarding his arrest and post-arrest statement.
9. Attached as Exhibit H is an Order, dated September 19, 2007, denying David Carmel's motion in the Western District of Wisconsin to suppress machine guns seized from his residence and denying a motion to dismiss that indictment.

Dated: New York, New York
May 9, 2008

/s/

Donald Yannella, Esq.

Declaration of Service

Donald Yannella, an attorney duly admitted to practice law in the United States District Court, Southern and Eastern Districts of New York, pursuant to 28 U.S.C. § 1746, declares under penalty of perjury that the following is true and correct:

(1) On May 9, 2008, I served a copy of the attached motion upon the following individual via ECF:

AUSA Rosemary Nidiry
One St. Andrew's Plaza
New York, NY 10007

Dated: May 9, 2008

/s/

Donald Yannella, Esq.